

### REMARKS

Claims 2 and 3 have been canceled, and their subject matter incorporated into claim 1. Claims 1, 9 and 11 have been amended. Thus, claims 1 and 4-11 remain presented for examination. Support for the amendment to claim 1 may be found in original claims 2 and 3. Support for the amendment to claim 9 may be found in the specification at page 15, lines 21-28 and in Figure 10. Thus, no new matter has been added. Reconsideration and withdrawal of the present rejection in view of the comments presented herein are respectfully requested.

#### Rejections under 35 U.S.C. §102(b)

Claims 1-5 were rejected under 35 U.S.C. §102(b) as being anticipated by Botich et al. (US 5,188,599). In order for a claim to be anticipated by a reference, every feature recited in the claim must be found within the reference. Botich discloses a projection formed on the front surface of the flange of a syringe, not on the rear surface of the flange as recited in present Claim 1. In Botich, the front surface of the flange, which is just opposite the side of the projection, does not touch the front wall of the groove when the flange is inserted into the flange insertion groove. In contrast, the present claims recite that the projection provided on the rear surface of the flange is capable of being compressed when inserted into the flange insertion groove, thereby allowing the front surface of the flange to touch the front surface of the groove. These features are neither disclosed nor suggested by Botich. Thus, Claims 1-5 are not anticipated by this reference..

Claim 9 was rejected under 35 U.S.C. §102(b) as being anticipated by Spallek et al. (US 5,897,532). Spallek does not teach or suggest a projection on a rear inner wall surface of the flange insertion groove, or a projection extended from the rear inner wall to a direction of a front wall of the flange insertion groove, as presently claimed. Thus, Claim 9 cannot be anticipated by Spallek.

Claim 9 was also rejected under 35 U.S.C. §102(b) as being anticipated by Miller et al. (US 4,540,405). Miller does not teach or suggest a projection on a rear inner wall surface of the flange insertion groove, or a projection extended from the rear inner wall to a direction of a front wall of the flange insertion groove as presently claimed. Thus, Claim 9 cannot be anticipated by Miller et al.

In view of the claim amendments and comments provided above, applicants respectfully request reconsideration and withdrawal of the rejections under 35 U.S.C. §102(b).

Rejections under 35 U.S.C. §103(a)

Claim 10 was rejected under 35 U.S.C. 103(a) as being unpatentable over Miller (*supra.*). As stated above, Miller neither teaches nor suggests the invention as recited in claim 9. Since claim 10 depends from claim 9, claim 10 cannot be obvious in view of this reference.

Claims 6-7 were rejected under 35 U.S.C. 103(a) as being unpatentable over Botich et al. (US 5,188,599). As stated above, Botich neither teaches nor suggests all of the features recited in claim 1. Since claims 6 and 7 depend from claim 1, these claims cannot be obvious in view of this reference.

Claim 8 was rejected under 35 U.S.C. 103(a) as being unpatentable over Botich et al. in view of Bitdinger et al. (US 5,667,495). However, the combination of these references would not lead to the claimed invention. The deficiencies in the teachings of Botich et al. with regard to claim 1 are discussed above. These deficiencies are not cured by Bitdinger which neither teaches nor suggests the features lacking in Botich et al., namely a projection formed on the front surface of the flange of a syringe, and that the projection provided on the rear surface of the flange is capable of being compressed when inserted into the flange insertion groove, thereby allowing the front surface of the flange to touch the front surface of the groove. Thus, claim 8 cannot be obvious over this combination of references.

Claim 10 was rejected under 35 U.S.C. 103(a) as being unpatentable over Botich et al. in view of Ritz (US 3,438,549) or Tompkins (US 4,030,498). Applicants believe that the Examiner intended this rejection to apply to Claim 11, rather than Claim 10, since Ritz and Tompkins are alleged to disclose pre-filled syringes, which is the subject matter of Claim 11, not Claim 10. Thus, the rejection will be addressed as it relates to Claim 11, which depends from Claims 1, 4, 5, 6, 7 or 10. Since Botich was only applied to Claim 1 (and the claims dependent thereon), the rejection can only be addressed as it pertains to Claims 1, 4, 5, 6 and 7. As stated above, Botich neither teaches nor suggests all of the features recited in Claim 1. These deficiencies are not cured by Ritz or Tompkins, neither of which neither teach nor suggest the features lacking in Botich et al., namely a projection formed on the front surface of the flange of a syringe, and that

the projection provided on the rear surface of the flange is capable of being compressed when inserted into the flange insertion groove, thereby allowing the front surface of the flange to touch the front surface of the groove. Thus, Claim 11, which depends from Claim 1 or from Claims 4-7 (which are also dependent on claim 1), cannot be obvious in view of this combination of references.

In view of the amendments and comments presented above, applicants respectfully request withdrawal of the rejection under 35 U.S.C. §103(a).

#### CONCLUSION

Applicants submit that all claims are in condition for allowance. If any minor matters remain that could be resolved by teleconference, the Examiner is invited to contact the undersigned at the telephone number provided below.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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Dated: July 31, 2006

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